

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

-----X
**CLAUDIA DELGADO-GUTIERREZ and
ELIHU LUNA-THOMAS,**

Plaintiffs,

ORDER

-against-

12-CV-2971 (FB)

**AUTO PALACE, INC. and
TD AUTO FINANCE, LLC,**

Defendants.
-----X

Plaintiffs' application for a 60-day adjournment of the April 10th arbitration hearing, and a corresponding extension of the March 29th fact discovery deadline, see Docket Entry ("DE") #25, is granted in substantial part, on consent. Fact discovery is extended until May 24, 2013. The Arbitration Clerk is respectfully requested to adjourn the arbitration hearing until a date in the first half of June 2013.

It appears from the docket sheet that the parties have missed the March 10th deadline for selecting an arbitrator. See DE #21. They are directed to make their selection and file a notice identifying the selected arbitrator by April 12, 2013.

In his letter to the Court dated March 13, 2013, counsel for defendant Auto Palace, Inc., notes that he expects to be moving to withdraw from the case, inasmuch as Auto Palace "is closed and . . . is without funds to pay for my services" DE #27. However, these are not new facts; at the initial conference held on November 26, 2012, see generally DE #17, that same attorney represented that his client was closing the dealership, had no money, and

would be filing for bankruptcy. The Court is therefore not inclined to grant a belatedly filed motion to withdraw.

SO ORDERED.

**Dated: Brooklyn, New York
March 14, 2012**

/s/ Roanne L. Mann
**ROANNE L. MANN
UNITED STATES MAGISTRATE JUDGE**